

Trans-Pacific American Flag  
 Berth Operators Agreement  
 FMC No. 202-008493-029, 2nd Edition

RECEIVED  
 Illustrative/Format Page  
 1<sup>st</sup> Revised Page No. 3  
 2012 MAY 18 AM 11:00

OFFICE OF THE SECRETARY  
 FEDERAL MARITIME COMMISSION

Brunei, Republic of Indonesia, Australia, New Zealand and all countries in the South Asia/  
 Middle East region from Suez to Myanmar inclusive, Sri Lanka and Africa bordering on the Red  
 Sea, Gulf of Aden, Arabian Sea, Gulf of Oman, Arabian/Persian Gulf and Bay of Bengal.

#### ARTICLE 5 - AGREEMENT AUTHORITY

5.1 The parties may from time to time meet, discuss and agree upon rates, terms and conditions under which household goods, personal effects and unaccompanied baggage, including privately-owned passenger vehicles, motorcycles and boats (excluding yachts), for U.S. Government Departments and Agencies and moving under through Government bills of lading of similar shipping documents executed by carriers and forwarders approved or otherwise accepted by said Departments and Agencies shall be carried in the Trade.

5.2 Any tariff, schedule or compendium of such rates, terms or conditions, or any particular such rate, term or condition, agreed upon and approved by unanimous vote of all parties pursuant to Article 8.2 shall be binding upon and adhered to by all parties, subject to each party's right of independent action under the Shipping Act of 1984, as amended ("Shipping act"). The parties are authorized to utilize a common tariff or tariffs covering their services in the Trade.

5.4 Credit for payment of freight and other charges due under any tariffs published pursuant to this Agreement may be extended by the parties as permitted by and in accordance with rules and provisions and related bonding requirements (including rules and provisions in any standard credit agreement or indemnity bond forms) approved by unanimous vote of all parties pursuant to Article and set forth in such tariffs. However, even if such credit has been approved and implemented, no credit shall be extended by any party to any shipper or consignee that the Secretary or his designee has advised the parties in writing is delinquent in the payment of freight or other charges to any party under tariffs published pursuant hereto.